

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

HENRY KENDRICK,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-07-0719-F
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER, SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
Defendant.)	

ORDER

Plaintiff brings this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying plaintiff's application for supplemental security income benefits under Title XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423.

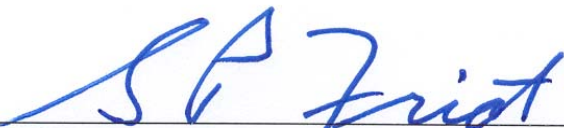
Magistrate Judge Gary M. Purcell issued a Report and Recommendation on March 31, 2008 (doc. no. 13), recommending that the Commissioner's decision be reversed and that the matter be remanded to the Commissioner for further proceedings. In his Report, the magistrate judge advised the parties of their right to object to the Report and Recommendation by April 21, 2008, and of the fact that failure to make timely objection to the Report waives the right to appellate review of the factual and legal issues contained in the Report. Neither party has filed an objection to the Report, and neither party has requested an extension of time within which to file any objection to the Report. Plaintiff, however, has filed a response stating that he agrees with the Report and requesting the court to instruct the Social

Security Administration to assign a different administrative law judge to hear this matter on remand. This is a proper request in these circumstances.

With no objection being filed, and having reviewed the Report, the record, and the relevant arguments and authorities, the court finds that no purpose would be served by setting out any further analysis here and that the Report should be adopted in its entirety.

Accordingly, the court **ACCEPTS, AFFIRMS, and ADOPTS** the findings and recommendations of Magistrate Judge Purcell as stated in his Report and Recommendation. This matter is hereby **REVERSED** and **REMANDED** for further proceedings consistent with the Report. The Social Security Administration shall assign a different administrative law judge to hear this matter on remand.

Dated this 22nd day of April, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE